



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

Matthew Hoppock
MuckRock News
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Re: Appeal No. DOJ-AP-2019-004511
Request No. 2019-18730
CDT:JKD

VIA: Email

Dear Matthew Hoppock:

You appealed from the action of the Executive Office for Immigration Review (EOIR) on your Freedom of Information Act request for access to records for each immigration judge reflecting (1) the current number of case completions since October 1, 2018, and (2) the BIA remand rate since October 1, 2018. I note that your appeal concerns EOIR's action in closing your request as a duplicate request.

After carefully considering your appeal, I am affirming EOIR's action on your request. EOIR informed you that the first portion of your request was a duplicate of Request No. 2019-21451. Please note that EOIR did not close the second portion of your request as a duplicate, and instead informed you that calculating remand rates would require EOIR to create one or more records in response to your request. Please be advised that the FOIA does not require federal agencies to create records in response to a FOIA request, but rather is limited to requiring agencies to provide access to reasonably described, nonexempt records. See *Students Against Genocide v. Dep't of State*, 257 F.3d 828, 837 (D.C. Cir. 2001).

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of EOIR in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information

Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

9/30/2019

A handwritten signature in black ink, reading "X Rianna Barrett". The signature is written in a cursive style. The "X" is at the beginning, followed by "Rianna" and "Barrett".

Rianna Barrett, for Sean O'Neill, Chief,
Administrative Appeals Staff
Signed by: RIANNA BARRETT